

Public Chapter 549

HOUSE BILL NO. 381

By Representatives Hargrove, Dunn, Bowers, Givens, Mumpower, Boyer, Fraley

Substituted for: Senate Bill No. 1311

By Senators Burks, Crowe, Kurita, Miller, Ramsey, Carter, Cohen, Cooper, Jordan,
Person

AN ACT to amend Tennessee Code Annotated, Title 37, Chapter 2, Part 4,
relative to foster care and to enact the "Foster Parent Rights Act".

WHEREAS, foster parents provide a critical service to the State of Tennessee,
caring for thousands of foster children every year; and

WHEREAS, foster parents allow the State of Tennessee substantial financial
savings each year through providing care to children at extremely low cost to the State;
and

WHEREAS, foster parents provide loving homes enabling children to endure the
hardship associated with separation from family; and

WHEREAS, offering the services of one's family as foster care providers involves
tremendous sacrifice and selflessness; and

WHEREAS, there is a need for statewide uniformity in the effective application of
foster care in Tennessee; now, therefore;

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. The title of this act is, and may be cited as the "Foster Parent
Rights Act".

SECTION 2. To the extent not otherwise prohibited by State or Federal statute,
the department shall, through promulgation of rules in accordance with Tennessee Code
Annotated, Title 4, Chapter 5, implement each of the following tenets. With respect to the
placement of any foster child with a foster parent, which is contracted directly with the
department of children's services, pursuant to Title 37, Chapter 2, Part 4:

(1) The department shall treat the foster parent(s) with dignity, respect,
trust and consideration as a primary provider of foster care and a member of the
professional team caring for foster children.

(2) The department shall provide the foster parent(s) with a clear
explanation and understanding of the role of the department and the role of the
members of the child's birth family in a child's foster care.

(3) The foster parent(s) shall be permitted to continue his/her own family
values and routines.

(4) The foster parent(s) shall be provided training and support for the purpose of improving skills in providing daily care and meeting the special needs of the child in foster care.

(5) Prior to the placement of a child in foster care, the department shall inform the foster parent(s) of issues relative to the child that may jeopardize the health and safety of the foster family or alter the manner in which foster care should be administered.

(6) The department shall provide a means by which the foster parent(s) can contact the department twenty four (24) hours a day, seven (7) days a week for the purpose of receiving departmental assistance.

(7) The department shall provide the foster parent(s) timely, adequate financial reimbursement for the quality and knowledgeable care of a child in foster care, as specified in the plan; provided, however, the amount of such financial reimbursement shall, each year, be subject to and restricted by the level of funding specifically allocated for such purpose by the provisions of the General Appropriations Act.

(8) The department shall provide clear, written explanation of the plan concerning the placement of a child in the foster parent's home. For emergency placements where time does not allow prior preparation of such explanation, the department shall provide such explanation as it becomes available. This explanation shall include, but is not limited to, all information regarding the child's contact with such child's birth family and cultural heritage, if so outlined.

(9) Prior to placement, the department shall allow the foster parent(s) to review written information concerning the child and allow the foster parent(s) to assist in determining if such child would be a proper placement for the prospective foster family. For emergency placements where time does not allow prior review of such information, the department shall provide information as it becomes available.

(10) The department shall permit the foster parent(s) to refuse placement within their home, or to request, upon reasonable notice to the department, the removal of a child from his or her home for good reason, without threat of reprisal, unless otherwise stipulated by contract or policy.

(11) The department shall inform the foster parent(s) of scheduled meetings and staffing, concerning the foster child, and the foster parent(s) shall be permitted to actively participate in the case planning and decision making process regarding the child in foster care. This may include individual service planning meetings, foster care reviews, and individual educational planning meetings.

(12) The department shall inform a foster parent(s) of decisions made by the courts or the child welfare agency concerning the child.

(13) The department shall solicit the input of a foster parent(s) concerning the plan of services for the child; this input shall be considered in the department's ongoing development of the plan.

(14) The department shall permit, through written consent, the ability of the foster parent(s) to communicate with professionals who work with the foster

child, including any therapists, physicians and teachers that work directly with the child.

(15) The department shall provide all information regarding the child and the child's family background and health history, in a timely manner to the foster parent(s). The foster parent(s) shall receive additional or necessary information, that is relevant to the care of the child, on an ongoing basis. Provided, however, confidential information received by the foster parents shall be maintained as such by the foster parents, except as necessary to promote or protect the health and welfare of the child.

(16) The department shall provide timely, written notification of changes in the case plan or termination of the placement and the reasons for the changes or termination of placement to the foster parent(s), except in the instances of immediate response for child protective services.

(17) The department shall notify the foster parent(s), in a complete manner, of all court hearings. This notification may include, but is not limited to, notice of the date and time of the court hearing, the name of the judge or hearing officer hearing the case, the location of the hearing, and the court docket number of the case. Such notification shall be made upon the department's receiving of this information, or at the same time that notification is issued to birth parents. The foster parent(s) shall be permitted to attend such hearings at the discretion of the court.

(18) The department shall provide, upon request by the foster parent(s), information regarding the child's progress after a child leaves foster care. Information provided pursuant to this subsection shall only be provided from information already in possession of the department at the time of the request.

(19) The department shall provide the foster parent(s) the training for obtaining support and information concerning a better understanding of the rights and responsibilities of the foster parent(s).

(20) The department shall consider the foster parent(s) as the possible first choice permanent parents for the child, who after being in the foster parent's home for twelve (12) months, becomes free for adoption or permanent foster care.

(21) The department shall consider the former foster family as a placement option when a foster child who was formerly placed with the foster parent(s) is to be re-entered into foster care.

(22) The department shall permit the foster parent(s) a period of respite, free from placement of foster children in said family's home with follow-up contacts by the agency occurring a minimum of every two (2) months. The foster parent(s) shall provide reasonable notice, to be determined in the promulgation of rules, to the department for respite.

(23) Child abuse/neglect investigations involving the foster parent(s) shall be investigated pursuant to the department's Child Protective Services policy and procedures. A Child Protective Services Case Manager from another area shall be assigned investigative responsibility. Removal of a foster child will be conducted pursuant to Tennessee Code Annotated and departmental policy and procedures. The department shall permit an individual selected by the membership of the Tennessee Foster Care Association to be educated

concerning the procedures relevant to investigations of alleged abuse and neglect by the department and the rights of the accused foster parent(s). Upon receiving such training, such individual shall be permitted to serve as advocate for the accused foster parent(s). Such advocate shall be permitted to be present at all portions of investigations where the accused foster parent(s) are present, and all communication received by such advocate therein shall be strictly confidential. Nothing contained within this item shall be construed to abrogate the provisions of Tennessee Code Annotated, Title 37, Chapter 1, regarding procedures for investigations of child abuse and neglect and child sexual abuse by the department of children's services and law enforcement agencies.

(24) The department shall provide the foster parent(s) copies of all information relative to their family and services the foster parent(s) contained in the personal foster home record upon request.

(25) The department shall advise the foster parent(s) of mediation efforts through publication in departmental policy manuals and the Foster Parent Handbook. The foster parent(s) may file for mediation efforts in response to any violations of the preceding tenets.

SECTION 3. In promulgation of rules pursuant to Section 2, the department shall provide forty-five (45) days written notification of public hearings, held pursuant to Tennessee Code Annotated, Title 4, Chapter 5, to the President of the Tennessee Foster Care Association and his or her designee.

SECTION 4. Section 2(23) of this act shall take effect on February 1, 1998. All other sections of this act shall take effect upon becoming a law, the public welfare requiring it.